

**OPINION
68-323**

March 21, 1968 (OPINION)

Mr. Dale H. Jensen

State's Attorney

Burleigh County

RE: Townships - Annual Meetings - Failure to Hold

This is in response to your letter in which you call attention to the fact that the annual township meetings were to be held on March 19, 1968, however, because of inclement weather it is possible that some townships were not able to hold their annual township meeting. You then ask for an opinion as to the procedure to be followed by the townships which did not hold annual meetings in bringing about the holding of an annual meeting.

Section 58-04-19 of the North Dakota Century Code would seem to apply. This section provides as follows:

"SPECIAL MEETING WHEN OFFICERS NOT ELECTED AT ANNUAL MEETING. If a township meeting is not held for the purpose of organizing and electing its officers at the time fixed by law for holding the annual township meeting, a special township meeting for that purpose shall be called by the township clerk. If notice of such meeting is not given by the clerk within ten days, any three electors of the township may call such meeting. Notices setting forth the time, place, and object of the meeting shall be posted in the three most public places in the township, at least five days prior to the meeting. The electors, when assembled by virtue of such notice, shall possess all the powers conferred upon electors at the regular annual township meeting."

It is observed that the township clerk can call a meeting within ten (10) days by posting a notice setting forth the time and place of the meeting and purpose, in three (3) most public places in the township, at least five (5) days prior to the date designated for the meeting.

If the township clerk does not call or give notice of such meeting within ten (10) days from March 19, 1968, any three (3) electors of the township may call such meetings by giving notice, stating the time, place, and object of the meeting, and by posting same in three (3) public places in the township. Such notice, however, must be posted five (5) days before the meeting.

HELGI JOHANNESON

Attorney General